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the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-second session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Libyan Arab Jamahiriya

1. The Committee considered the eleventh, twelfth, thirteenth and fourteenth periodic reports of the Libyan Arab Jamahiriya, submitted in a single document (CERD/C/299/Add.13), at its 1264th and 1265th meetings, held on 13 and 16 March 1998, and at its 1272nd meeting, held on 19 March 1998, and adopted the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation for the opportunity to resume its dialogue with the State party after a long time. In fact, the Committee notes that it considered the last periodic report of the Libyan Arab Jamahiriya on 22 August 1989. The report under consideration is in accordance with the Committee's guidelines and contains information on how the State party implements the Convention. The report also contains answers to some of the questions raised by the Committee members in 1989. However, the report provides information on legislative, judicial and administrative developments only up to 5 January 1994.

3. The Committee recalls in this connection that States parties are under the obligation to take legislative, judicial and administrative measures to combat racial discrimination as a preventive measure so as to avoid any possible manifestation or recurrence of the phenomenon.

C. Positive aspects

4. It is noted with appreciation that the State party has incorporated the Convention as an integral part of its domestic legislation, and that in case of legal conflict, the Convention takes precedence over domestic law.

5. The Libyan Constitutional Declaration and the other relevant documents contain provisions guaranteeing equality of all citizens before the law.

6. Satisfaction is expressed at the way in which the State party has consistently conducted its fight against apartheid.

7. The State party has made serious efforts to give effect to a number of the provisions of article 5, particularly those concerning certain economic and social rights.

D. Principal subjects of concern

8. Both the statements of the representative of the Libyan Arab Jamahiriya and the report, especially its second part, maintain categorically that there is no racial discrimination and no complaints concerning racial discrimination in the State party. There is no specific legislation to prohibit racial discrimination.

9. The State party has not provided any information on the demographic composition of the Libyan population, although the Committee requested it when it considered the State party's tenth periodic report in 1989.

10. The State party has not been fully implementing the provisions of article 4 of the Convention and it has not provided sufficient information on the practical implementation of the provisions of article 4.

11. It is also regretted that insufficient information has been provided on the implementation of article 6 of the Convention, particularly on available remedies, as well as the practice of the tribunals.

12. The declaration by the State party that there are no ethnic minorities on its territory does not take into account the existence, in particular, of Berbers, Tuaregs, Black Africans, etc. who are reported to experience acts of discrimination because of their ethnic origin.

13. Concern is expressed about allegations of acts of discrimination against migrant workers on the basis of their national or ethnic origin.

E. Suggestions and recommendations

14. The Committee recommends that the State party provide in its next report detailed information on the demographic composition of its population, including of non-Libyans living in the State party, as well as information on the status and working conditions of foreign workers and on measures taken by the State party to prevent any acts of discrimination against them.

15. The Committee recommends that specific legislation be enacted by the State party to implement the provisions of article 4 of the Convention. The State party is also encouraged to adopt appropriate policies to promote the rights of ethnic minorities and to ensure their equality in accordance with the provisions of the Convention.

16. A particular effort should be made by the State party to train law enforcement officials in the light of the provisions of the Convention.

17. The Committee recommends that the State party continue to take appropriate measures to increase awareness of the population about the provisions of the Convention, particularly those contained in its article 7, and to widely disseminate the concluding observations adopted by the Committee on the report.

18. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

19. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of such a declaration be considered.

20. The Committee recommends that the State party's next periodic report be an updating one. It should address all the points raised in the present observations and reply to unanswered questions raised by members of the Committee.